

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

JIMMY D. PINGLETON, an	)	
individual,	)	
	)	
Plaintiff,	)	
	)	Case No. 6:15-cv-00349-KEW
v.	)	
	)	
	)	
ROLLING HILLS HOSPITAL, LLC,	)	
an Oklahoma Limited Liability	)	
Company,	)	
	)	
	)	
Defendant.	)	

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NOTICE OF REMOVAL

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PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332 and 1441, *et seq.*, Defendant Rolling Hills Hospital, LLC ("Defendant"), by and through its undersigned counsel, hereby provides a written Notice of Removal of this action from the District Court of Pontotoc County, Oklahoma, Case No. CJ-2015-143. In support of removal, Defendant states the following:

1. On August 19, 2015, an action was commenced in the District Court of Oklahoma County, Oklahoma, styled *Jimmy D. Pingleton, an individual, v. Rolling Hills Hospital, LLC, an Oklahoma Limited Liability Company*, Case No. CJ-2015-143.

2. Defendant received notice of the action via service of the Complaint through its registered agent for service of process on August 21, 2015. A copy of the Summons and Complaint, which constitutes all process, pleadings, and orders served upon Defendant, is attached hereto as Exhibit A, pursuant to 28 U.S.C. § 1446(a).

3. Defendant is filing this Notice of Removal within twenty (20) days of receipt of the Summons and Complaint. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b).

4. Plaintiff is a citizen of Oklahoma. (*See* Com., ¶ 1).

5. Defendant is a limited liability company, and its sole member, Acadia Healthcare Company, is a Delaware corporation.

6. Based on the respective states of citizenship of the parties, there is complete diversity. *See* 28 U.S.C. § 1332(a)(1); *see also Allen v. IM Solutions, LLC*, No. CIV-14-213-JHP, 2015 WL 71468, at \*5 (E.D. Okla. Jan. 6, 2015) (for diversity jurisdiction purposes, limited liability company considered a citizen of states in which its members are incorporated).

7. Plaintiff pleads that he “demands judgment against Defendant in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code, and for punitive damages in excess of Seventy-Five

Thousand Dollars (\$75,000.00), the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code[.]” (*See Com.*, p. 3).

8. Based on the Complaint, the amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs. *See* 28 U.S.C. § 1332(a).

9. Because there is complete diversity and the amount in controversy exceeds \$75,000, removal to this Court is appropriate. *See* 28 U.S.C. § 1332(a).

10. Venue is proper pursuant to 28 U.S.C. § 1441(a) in the United States District Court for the Eastern District of Oklahoma, which embraces the same county where the state court action was pending.

11. In accordance with 28 U.S.C. § 1446(d), copies of this Notice of Removal are being served upon Plaintiff’s counsel and the District Court Clerk for Pontotoc County, Oklahoma.

Respectfully submitted this 10th day of September, 2015.

Respectfully submitted,

**HOLDEN & CARR**

/s/ Michael L. Carr

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*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of September, 2015, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Kevin R. Donelson, OBA #12647  
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*/s/ Michael L. Carr*

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Michael L. Carr

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